

DONGELL LAWRENCE FINNEY LLP
 MICHAEL C. HETHEY, ESQ.
 Nevada Bar No. 5668
 THOMAS F. VANDENBURG, ESQ.
 (CA Bar No. 163446 - Admitted *Pro Hac Vice*)
 PAUL D. RASMUSSEN, ESQ.
 (CA Bar No. 201680 - Admitted *Pro Hac Vice*)
 707 Wilshire Boulevard, 45th Floor
 Los Angeles, CA 90017-3609

STEVEN J. PARSONS
 LAW OFFICES OF STEVEN J. PARSONS
 Nevada Bar No. 363
 7201 W. Lake Mead Blvd., Ste. 108
 Las Vegas, NV 89128-8354
 Phone: (702) 384-9900 / Fax: (702) 384-5900

Attorneys for Defendants/Third-Party Plaintiffs Maryland Square
 Shopping Center, LLC, the Herman Kishner Trust d/b/a Maryland
 Square Shopping Center, Irwin Kishner, Jerry Engel, and Premier
 Trust, as Trustees for The Herman Kishner Trust

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

PETER J. VOGGENTHALER; et. al.
 Plaintiffs,
 vs.
 MARYLAND SQUARE, LLC; et. al.
 Defendants.

AND RELATED CROSS AND THIRD
 PARTY CLAIMS

STATE OF NEVADA, DEPT. OF
 CONSERVATION AND NATURAL
 RESOURCES, et. al.

Plaintiff,
 vs.
 MARYLAND SQUARE SHOPPING
 CENTER, LLC, et. al.
 Defendants.

AND RELATED THIRD PARTY CLAIMS

Case No.: 2:08-cv-1618-RCJ-(GWF)

**PLAINTIFF STATE OF NEVADA,
 DIVISION OF ENVIRONMENTAL
 PROTECTION, AND DEFENDANTS
 /THIRD-PARTY PLAINTIFFS MARYLAND
 SQUARE SHOPPING CENTER, LLC, THE
 HERMAN KISHNER TRUST D/B/A
 MARYLAND SQUARE SHOPPING
 CENTER, IRWIN KISHNER, JERRY
 ENGEL, AND PREMIER TRUST, AS
 TRUSTEES FOR THE HERMAN KISHNER
 TRUST; DEFENDANTS PATRICIA
 LEIBOVICI, IN HER CAPACITY AS
 SPECIAL ADMINISTRATOR OF THE
 ESTATE OF MELVIN SHAPIRO, ESTATE
 OF PHILLIP SHAPIRO, AND SHAPIRO
 BROTHERS INVESTMENT CO.;
 DEFENDANT MARYLAND SQUARE,
 LLC'S STIPULATION; and**

**[PROPOSED] ORDER TO DISMISS
 CERTAIN CLAIMS, WITH PREJUDICE**

CONSOLIDATED WITH:

Case No.: 3:09-cv-231-RCJ-GWF

RECITALS

WHEREAS a certain Settlement Agreement and Release (“Agreement”) was entered into by and among The Herman Kushner Trust, Irwin Kushner, as Trustee for The Herman Kushner Trust, Jerry Engel, as Trustee for The Herman Kushner Trust, Premier Trust, as Trustee for The Herman Kushner Trust, and Maryland Square Shopping Center Limited Liability Company (collectively, the “Kishner Parties”) and Patricia Leibovici, as Special Administrator of the Estate of Melvin Shapiro, Edward Foster, as Special Administrator of the Estate of Philip Shapiro, and Florence Shapiro (collectively, the “Shapiro Parties”) and Maryland Square, LLC, and the State of Nevada, Department of Conservation and Natural Resources, Division of Environmental Protection, Bureau of Corrective Actions (“NDEP”) (collectively the “Parties”).

WHEREAS upon completion of a condition precedent the Agreement requires the Parties to seek dismissals of certain claims in this consolidated matter.

STIPULATION

IT IS HEREBY STIPULATED AND AGREED by and between the Parties and their respective counsel of record that the following claims and/or cross claims shall be dismissed with prejudice and each party bearing its own costs, attorneys’ fees and expenses:

(1) All claims and/or cross-claims filed by the Kushner Parties, Maryland Square, LLC or NDEP as against any of the Shapiro Parties in this consolidated matter; and

(2) All claims and/or cross-claims filed by the Shapiro Parties, Al Phillips The Cleaner, Inc. or Shapiro Bros. Investment Co. against any of the Kushner Parties or Maryland Square, LLC in this consolidated matter.

IT IS SO STIPULATED.

DATED: July 11, 2014

DONGELL LAWRENCE FINNEY LLP

By: /s/Thomas F. Vandenburg
Thomas F. Vandenburg

Attorneys for Defendants Maryland Square Shopping Center, LLC, the Herman Kushner Trust d/b/a Maryland Square Shopping Center, Irwin Kushner, Jerry Engel, and Bank of America, as Trustees for The Herman Kushner Trust

1 DATED: July 11, 2014

NEIL J. BELLER, LTD.

2 By: /s/Neil J. Beller
Neil J. Beller

3 *Attorneys for Defendants Patricia Leibovici, in her*
4 *capacity as Special Administrator of the Estate of*
5 *Melvin Shapiro, Estate of Phillip Shapiro, and*
Shapiro Brothers Investment Co.

6 DATED: July 11, 2014

LAWSON & WEITZEN, LLP

7 By: /s/Franklin H. Levy
Franklin H. Levy

8 *Attorneys for Defendant Maryland Square, LLC*

9 DATED: July 11, 2014

CATHERINE CORTEZ MASTO
Attorney General

10 By: /s/Wayne Klomp
Wayne Klomp

11 Deputy Attorney General
12 *Attorneys for Plaintiff State of Nevada, Division of*
13 *Environmental Protection*

14
15 **ORDER**

16 IT IS SO ORDERED.

17 Dated: July ____, 2014

18 U.S. DISTRICT/MAGISTRATE JUDGE

19
20 **CERTIFICATE OF SERVICE BY E-FILEING**

21 I hereby certify that service of the foregoing Plaintiff State Of Nevada, Division Of
22 Environmental Protection, And Defendants /Third-Party Plaintiffs Maryland Square Shopping
23 Center, LLC, The Herman Kishner Trust D/B/A Maryland Square Shopping Center, Irwin
24 Kishner, Jerry Engel, And Premier Trust, As Trustees For The Herman Kishner Trust;
25 Defendants Patricia Leibovici, In Her Capacity As Special Administrator Of The Estate Of
26 Melvin Shapiro, Estate Of Phillip Shapiro, And Shapiro Brothers Investment Co.; Defendant
27 Maryland Square, LLC's Stipulation And [Proposed] Order To Dismiss Certain Claims, With
28 Prejudice was by e-filing with the Court's CM/ECF system, duly noting that on prior e-filings,

1 all of the other parties have been noted as receiving copies from the Court by e-filing and have
2 consented to be served in that manner.

3 Dated: July 11, 2014.

4 /s/ Britney Robinson
Employee of LAW OFFICES OF STEVEN J. PARSONS